

**BEFORE THE
PHYSICIAN ASSISTANT COMMITTEE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation
Against:

RACHEL C. GONZALES, P.A.

Physician Assistant
License No. PA 14343

Respondent.

File No. 1E-2008-192543

**ORDER CORRECTING CLERICAL ERROR IN
"EFFECTIVE DATE" PORTION OF DECISION**

On its own motion, the Physician Assistant Committee (hereafter "Committee") finds that there is a clerical error in the "effective date" portion of the Decision in the above-entitled matter and that such clerical error should be corrected so that the effective date will conform to the Committee's intention.

IT IS HEREBY ORDERED that the effective date contained in the Decision in the above-entitled matter be and hereby is amended and corrected nunc pro tunc as of the date of entry of the decision to read as follows:

"This Decision shall become effective at 5:00 p.m. on June 23, 2009.

IT IS SO ORDERED this 16th day of June, 2009."



Steven Klompus, P.A., Chair

**BEFORE THE
PHYSICIAN ASSISTANT COMMITTEE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

RACHEL GONZALES, P.A.

**Physician Assistant
License No. PA-14343**

Respondent.

Case No. 1E-2008-192543

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision and Order by the Physician Assistant Committee of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on July 15, 2009.

DATED June 15, 2009

PHYSICIAN ASSISTANT COMMITTEE


Steven Klompus, P.A., Chair

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 G. LYNN THORPE, State Bar No. 112122
Deputy Attorney General
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8 **BEFORE THE**
9 **PHYSICIAN ASSISTANT COMMITTEE**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 **RACHEL GONZALES, P.A.**
P. O. Box 900
15 Newcastle, California 95658

16 Physician Assistant License No. PA-14343

17 Respondent.

Case No. 1E-2008-192543

OAH No. 20080863

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Elberta Portman (Complainant) is the Executive Officer of the Physician
22 Assistant Committee. She brought this action solely in her official capacity and is represented
23 in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by
24 G. Lynn Thorpe, Deputy Attorney General.

25 2. Rachel Gonzales, P.A. (Respondent) is represented in this proceeding by
26 Timothy J. Aspinwall, Esq., whose address is Nossaman LLP, 915 L Street, Suite 1000,
27 Sacramento, California 95814.

28 3. On or about January 12, 1998, the Physician Assistant Committee issued
Physician Assistant License Number PA-14343 to Rachel Gonzales, P.A. The Physician

1 Assistant License was in full force and effect at all times relevant to the charges brought herein
2 and will expire on August 31, 2009, unless renewed. On August 28, 2008, Respondent's
3 Physician Assistant License was suspended pursuant to an Interim Suspension Order.

4 JURISDICTION

5 4. Accusation No. 1E-2008-192543 was filed before the Physician Assistant
6 Committee (Committee) for the Medical Board of California, Department of Consumer Affairs,
7 and is currently pending against Respondent. The Accusation and all other statutorily required
8 documents were properly served on Respondent on March 20, 2009. Respondent timely filed her
9 Notice of Defense contesting the Accusation. A copy of Accusation No. 1E-2008-192543 is
10 attached as Exhibit A and incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, fully discussed with counsel, and
13 understands the charges and allegations in Accusation No. 1E-2008-192543. Respondent has
14 also carefully read, fully discussed with counsel, and understands the effects of this Stipulated
15 Settlement and Disciplinary Order.

16 6. Respondent is fully aware of her legal rights in this matter, including the
17 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
18 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
19 the right to present evidence and to testify on her own behalf; the right to the issuance of
20 subpoenas to compel the attendance of witnesses and the production of documents; the right to
21 reconsideration and court review of an adverse decision; and all other rights accorded by the
22 California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
24 each and every right set forth above.

25 CULPABILITY

26 8. Respondent does not contest that, at an administrative hearing,
27 Complainant could establish a prima facie case with respect to the charges and allegations
28 contained in Accusation No. 1E-2008-192543 and that she has thereby subjected her license to

1 disciplinary action.

2 9. Respondent agrees that if she ever petitions for early termination or
3 modification of probation, or if the Committee ever petitions for revocation of probation, all
4 charges and allegation contained in Accusation No. 1E-2008-192543 shall be deemed true,
5 correct and fully admitted by Respondent for the purposes of that proceeding or any other
6 licensing involving Respondent in the State of California.

7 **RESERVATION**

8 10. The admissions made by Respondent herein are only for the purposes of
9 this proceeding, or any other proceedings in which the Physician Assistant Committee, Medical
10 Board of California, or other professional licensing agency is involved, and shall not be
11 admissible in any other criminal or civil proceeding.

12 **CONTINGENCY**

13 11. This stipulation shall be subject to approval by the Physician Assistant
14 Committee. Respondent understands and agrees that counsel for Complainant and the staff of
15 the Physician Assistant Committee may communicate directly with the Committee regarding this
16 stipulation and settlement, without notice to or participation by Respondent or her counsel. By
17 signing the stipulation, Respondent understands and agrees that she may not withdraw her
18 agreement or seek to rescind the stipulation prior to the time the Committee considers and acts
19 upon it. If the Committee fails to adopt this stipulation as its Decision and Order, the Stipulated
20 Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall
21 be inadmissible in any legal action between the parties, and the Committee shall not be
22 disqualified from further action by having considered this matter.

23 12. The parties understand and agree that facsimile copies of this Stipulated
24 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
25 force and effect as the originals.

26 13. In consideration of the foregoing admissions and stipulations, the parties
27 agree that the Committee may, without further notice or formal proceeding, issue and enter the
28 following Disciplinary Order:

1 **DISCIPLINARY ORDER**

2 **IT IS HEREBY ORDERED** that Physician Assistant license No. PA-14343 issued to
3 Respondent Rachel Gonzales, P.A. is revoked. However, the revocation is stayed and
4 Respondent is placed on probation for five (5) years on the following terms and conditions.

5 1. **DRUGS - ABSTAIN FROM USE/EXEMPTION FOR**
6 **PERSONAL USE** Respondent shall abstain completely from the personal use or possession of
7 controlled substances as defined in the California Uniform Controlled Substances Act, and
8 dangerous drugs as defined by Section 4211 of the Business and Professions Code, or any drugs
9 requiring a prescription.

10 This condition does not apply to medications lawfully prescribed to Respondent
11 for a bona fide illness or condition by another practitioner. However, with fifteen (15) calendar
12 days of receiving any lawful prescription medications, Respondent shall notify the Committee or
13 its designee of the issuing practitioner's name, address, telephone number, medication name,
14 strength, issuing pharmacy name, address, and telephone number.

15 2. **CONTROLLED DRUGS - SURRENDER OF DEA PERMIT**
16 Respondent is prohibited from practicing as a physician assistant until Respondent provides
17 documentary proof to the Committee or its designee that Respondent's DEA permit has been
18 surrendered to the Drug Enforcement Administration for cancellation, together with any triplicate
19 prescription forms and federal order forms. Respondent may reapply for a new DEA permit
20 without the prior written consent of the Committee or its designee in two years from the effective
21 date of this decision.

22 3. **CONTROLLED DRUGS - MAINTAIN RECORD** Upon
23 reinstatement of her DEA permit, Respondent shall maintain a record of all controlled substances
24 administered, transmitted orally or in writing on a patient's record or handed to a patient by the
25 Respondent during probation showing all the following: 1) the name and address of the patient,
26 2) the date, 3) the character and quantity of controlled substances involved, 4) the indications and
27 diagnosis for which the controlled substance was furnished, and 5) the name of the supervising
28 physician prescriber.

Respondent shall keep these records in a separate file or ledger, in chronological order, and shall make them available for inspection and copying by the Physician Assistant Committee or its designee, upon request and without charge.

4. **ALCOHOL - ABSTAIN FROM USE** Respondent shall abstain completely from the use of products or beverages containing alcohol.

5. **BIOLOGICAL FLUID TESTING** Respondent shall immediately submit to biological fluid testing upon the request of the Committee or its designee. Respondent shall pay the cost of biological fluid testing.

6. **DIVERSION PROGRAM** Within thirty (30) days of the effective date of this decision, Respondent shall enroll and participate in the Committee's Diversion Program until the program determines that further treatment and rehabilitation is no longer necessary. Respondent shall successfully complete the program. The program determines whether or not Respondent successfully completes the program. Respondent shall pay all costs of the program.

If the program determines that Respondent is a danger to the public, upon notification from the program, Respondent shall immediately cease practicing as a physician assistant until notified in writing by the committee or its designee that Respondent may resume practice. The period of time that Respondent is not practicing shall not be counted toward completion of the term of probation.

7. **ETHICS COURSE** Within sixty (60) days of the effective date of this decision, Respondent shall submit to the Committee or its designee for its prior approval a course in ethics. The course shall be limited to classroom, conference, or seminar settings. Respondent shall successfully complete during the first year of probation. Respondent shall pay the cost of the course. Respondent shall submit a certification of successful completion to the Committee or its designee within fifteen (15) days of completing the course.

8. **ON-SITE SUPERVISION** The supervising physician shall be on site at least 1/3 of the time that Respondent is practicing. This condition shall be required for the first two (2) years of probation.

///

1 9. **APPROVAL OF SUPERVISING PHYSICIAN** Within thirty (30) days
2 of the effective date of this decision, Respondent shall submit to the Committee or its designee
3 for its prior approval the name and license number of the supervising physician and a practice
4 plan detailing the nature and frequency of supervision to be provided. Respondent shall not
5 practice until the supervising physician and practice plan are approved by the Committee or its
6 designee.

7 Respondent shall have the supervising physician submit quarterly reports to the
8 Committee or its designee.

9 If the supervising physician resigns or is longer available, Respondent shall,
10 within fifteen (15) days, submit the name and license number of a new supervising physician for
11 approval.

12 10. **NOTIFICATION OF EMPLOYER AND SUPERVISING**
13 **PHYSICIAN** Respondent shall notify her current and any subsequent employer and
14 supervising physician(s) of her discipline and provide a copy of the Accusation, Stipulation, and
15 Order to each such employer and supervising physician(s) during her period of probation, at the
16 onset of that employment. Respondent shall ensure that each employer informs the Committee,
17 or its designee, in writing within thirty (30) days, verifying that the employer and supervising
18 physician(s) have received a copy of the Accusation, Stipulation, and Order.

19 11. **OBEY ALL LAWS** Respondent shall obey all federal, state, and local
20 laws, and all rules governing the practice of medicine as a physician assistant in California, and
21 remain in full compliance with any court ordered criminal probation, payments, and other orders.

22 12. **QUARTERLY REPORTS** Respondent shall submit quarterly
23 declarations under penalty of perjury on forms provided by the Committee or its designee, stating
24 whether there has been compliance with all the conditions of probation.

25 13. **OTHER PROBATION REQUIREMENTS** Respondent shall comply
26 with the Committee's probation unit. Respondent shall, at all times, keep the Committee and
27 probation unit informed of Respondent's business and residence addresses. Changes of such
28 addresses shall be immediately communicated in writing to the Committee and probation unit.

1 Under no circumstances shall a post office box serve as an address of record, except as allowed
2 by California Code of Regulations, Title 16, section 1399.523.

3 Respondent shall appear in person for an initial probation interview with the
4 Committee or its designee with ninety (90) days of the decision. Respondent shall attend the
5 initial interview at the time and place determined by the Committee or its designee.

6 Respondent shall, at all times, maintain a current and renewed physician assistant
7 license.

8 Respondent shall also immediately inform the probation unit, in writing, of any
9 travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last,
10 more than thirty (30) days.

11 14. **INTERVIEW WITH MEDICAL CONSULTANT** Respondent shall
12 appear in person for interviews with the Committee's medical or expert physician assistant
13 consultant upon request at various intervals and with reasonable notice.

14 15. **TOLLING FOR OUT-OF -STATE PRACTICE OR RESIDENCE**
15 The period of probation shall not run during the time Respondent is residing or practicing outside
16 the jurisdiction of California. If, during probation, Respondent moves out of the jurisdiction of
17 California to reside or practice elsewhere, including federal facilities, Respondent is required to
18 immediately notify the Committee in writing of the date of departure and the date of return, if
19 any.

20 Respondent's license shall be automatically canceled if Respondent's period of
21 temporary or permanent residence or practice outside California totals two years. Respondent's
22 license shall not be canceled as long as Respondent is residing and practicing as a physician
23 assistant in another state of the United States and is on active probation with the physician
24 assistant licensing authority of that state, in which case the two year period shall begin on the
25 date that probation is completed or terminated in that state.

26 16. **FAILURE TO PRACTICE AS A PHYSICIAN ASSISTANT -**
27 **CALIFORNIA RESIDENT** In the event that Respondent resides in California and for any
28 reason Respondent stops practicing as a physician assistant in California, Respondent shall notify

1 the Committee or its designee in writing within thirty (30) calendar days prior to the dates of
2 non-practice and return to practice. Any period of non-practice within California, as defined in
3 this condition, will not apply to the reduction of the probationary term and does not relieve
4 Respondent of the responsibility to comply with the terms and conditions of probation.
5 Non-practice is defined as any period of time exceeding thirty (30) calendar days in which
6 Respondent is not practicing as a physician assistant.

7 All time spent in a clinical training program that has been approved by the
8 Committee or its designee, shall be considered time spent in the practice of medicine. For the
9 purposes of this condition, non-practice due to a Committee ordered suspension or in compliance
10 with any other condition or probation, shall not be considered a period of non-practice.

11 Respondent's license shall be automatically canceled if, for a total of two years,
12 Respondent resides in California and fails to practice as a physician assistant.

13 17. **UNANNOUNCED CLINICAL SITE VISIT** The Committee or its
14 designee may make unannounced clinical site visits at any time to ensure that Respondent is
15 complying with all terms and conditions of probation.

16 18. **CONDITION FULFILLMENT** A course, evaluation, or treatment
17 completed after the acts that gave rise to the charges in the Accusation, but prior to the effective
18 date of the decision may, in the sole discretion of the Committee or its designee, be accepted
19 towards the fulfillment of the condition.

20 19. **COMPLETION OF PROBATION** Upon successful completion of
21 probation as determined by the Committee's executive officer, Respondent's license will be fully
22 restored.

23 20. **VIOLATION OF PROBATION** If Respondent violates probation in
24 any respect, the Committee, after giving Respondent notice and the opportunity to be heard, may
25 revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition
26 to revoke probation is filed against Respondent during probation, the Committee shall have
27 continuing jurisdiction until the matter is final, and the period of probation shall be extended
28 until the matter is final.

1 21. **COST RECOVERY** The Respondent is hereby ordered to reimburse the
2 Physician Assistant Committee the amount of \$3,000.00 for payment due for cost of
3 investigation and prosecution within ninety (90) days from the effective date of this decision for
4 its investigative and prosecution costs. Failure to reimburse the Committee's costs for its
5 investigation and prosecution shall constitute a violation of the probation order, unless the
6 Committee agrees in writing to payment by an installment plan because of financial hardship.
7 The filing of bankruptcy by the Respondent shall not relieve the Respondent of her responsibility
8 to reimburse the Committee for its costs.

9 22. **PROBATION MONITORING COSTS** Respondent shall pay the costs
10 associated with probation monitoring each and every year of probation, as designated by the
11 Committee, which may be adjusted on an annual basis. The costs made payable to the Physician
12 Assistant Committee and delivered to the Committee no later than January 31 of each calendar
13 year.

14 23. **VOLUNTARY LICENSE SURRENDER** Following the effective date
15 of this probation, if Respondent ceases practicing due to retirement, health reasons, or is
16 otherwise unable to satisfy the terms and conditions of probation, Respondent may request the
17 voluntarily surrender of her license to the Committee. The Committee reserves the right to
18 evaluate the Respondent's request and to exercise its discretion whether to grant the request, or to
19 take any other action deemed appropriate and reasonable under the circumstances. Upon formal
20 acceptance of the surrender, Respondent shall within fifteen (15) days deliver Respondent's
21 wallet and wall certificate to the Committee or its designee and shall no longer practice as a
22 physician assistant. Respondent will no longer be subject to the terms and conditions of
23 probation and the surrender of Respondent's license shall be deemed a disciplinary action. If
24 Respondent re-applies for a physician assistant license, the application shall be treated as a
25 petition for reinstatement or a revoked license.

26 **ACCEPTANCE**

27 I have carefully read the above Stipulated Settlement and Disciplinary Order and
28 have fully discussed it with my attorney, Timothy J. Aspinwall, Esq. I understand the stipulation

and the effect it will have on my Physician Assistant License.

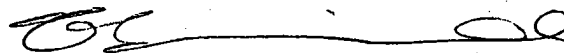
I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Physician Assistant Committee, Medical Board of California.

DATED: 5/21/09


RACHEL GONZALES, P.A.
Respondent

I have read and fully discussed with Respondent Rachel Gonzales, P.A. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 5/21/09


TIMOTHY J. ASPINWALL, ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physician Assistant Committee, Medical Board of California of the Department of Consumer Affairs.

DATED: 5/24/09

EDMUND G. BROWN JR., Attorney General
of the State of California

GAIL M. HEPPELL
Supervising Deputy Attorney General


G. LYNN THORPE
Deputy Attorney General

Attorneys for Complainant

Exhibit A

Accusation No. 1E-2008-192543

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 G. LYNN THORPE, State Bar No. 112122
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4 1300 I Street, Suite 125
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **PHYSICIAN ASSISTANT COMMITTEE**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 1E-2008-192543

14 **RACHEL GONZALES, P.A.**
15 P.O. Box 900
Newcastle, California 95658

A C C U S A T I O N

16 Physician Assistant License No. PA-14343

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Elberta Portman (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Physician Assistant Committee, Department of
21 Consumer Affairs.

22 2. On or about January 12, 1998, the Physician Assistant Committee issued
23 Physician Assistant License Number PA-14343 to Rachel Gonzales, P.A. (Respondent). The
24 Physician Assistant License was in full force and effect at all times relevant to the charges
25 brought herein and will expire on August 31, 2009, unless renewed. On August 28, 2008,
26 Respondent's Physician Assistant License was suspended pursuant to an Interim Suspension
27 Order.
28

JURISDICTION

3. This Accusation is brought before the Physician Assistant Committee (Committee) for the Medical Board of California, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 3527 of the Code provides that the committee may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a physician's assistant certificate for unprofessional conduct.

5. Section 3502(a) of the Code provides that a physician assistant may not render medical services outside the supervision of a licensed physician and surgeon.

6. Section 3502.1(c)(2) of the Code provides that a physician assistant may not issue administer a drug order for a Schedule II drug without the prior approval of the supervising physician and surgeon for a given patient.

7. Title 16, California Code of Regulations (hereinafter "CCR"), section 1399.525, in relevant part, states: "For the purposes of the denial, suspension or revocation of a license or approval pursuant to division 1.5 (commencing with section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license or approval under the Physician Assistant Practice Act if to a substantial degree it evidences present or potential unfitness of a person holding such a license or approval to perform the functions authorized by the license or approval in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include, but are not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the Medical Practice Act.

"(b) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term

1 of the Physician Assistant Practice Act.

2 "(e) Any crime or act involving the sale, gift, administration, or furnishing
3 of narcotics or dangerous drugs or dangerous devices, as defined in
4 Section 4022 of the code."

5 8. Section 4022(a) of the Code states:

6 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-
7 use in humans or animals, and includes the following:

8 "(a) Any drug that bears the legend: "Caution: federal law prohibits
9 dispensing without a prescription," "Rx only," or words of similar import."

10 9. Section 2239(a) of the Code provides that unprofessional conduct includes
11 the use or prescribing for or administering to herself of any controlled substance in such a
12 manner as to be dangerous or injurious to the licensee, or any other person or to the public.

13 10. Section 2238 of the Code provides that any violation of state laws
14 regulating controlled substances constitutes unprofessional conduct.

15 11. Health and Safety Code section 11170 states that, "No person shall
16 prescribe, administer, or furnish a controlled substance from himself."

17 12. Health and Safety Code section 11173 provides in pertinent part as
18 follows:

19 "(a) No person shall obtain or attempt to obtain controlled substances,
20 or procure or attempt to procure the administration of or prescription for
21 controlled substances, (1) by fraud, deceit, misrepresentation, or
22 subterfuge; or (2) by the concealment of a material fact.

23 "(b) No person shall make a false statement in any prescription, order,
24 report, or record, required by this division."

25 13. Health and Safety Code section 11174 states that, "No person shall, in
26 connection with the prescribing, furnishing, administering, or dispensing of a controlled
27 substance, give a false name or false address."

28 14. Meperidine is a Schedule II controlled substance.

1 15. Section 125.3 of the Code states, in pertinent part, that the Board may
2 request the administrative law judge to direct a licentiate found to have committed a violation or
3 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
4 and enforcement of the case.

5 **FIRST CAUSE FOR DISCIPLINE**

6 (Obtaining or Attempting to Obtain a Controlled Substance by Fraud or Deceit)
7 [Bus. & Prof. Code §§ 3527, 2238 & 2239(a); H&S §§ 11170, 11173 & 11174; and
8 Title 16, CCR, § 1399.525]

9 16. Respondent is subject to discipline under sections 3527 and 2238 of the
10 Code, and Title 16, CCR, section 1399.525 in that she obtained or attempted to obtain a
11 controlled substance, Meperidine, in violation of Health and Safety Code sections 11170, 11173
12 and 11174 as set forth below.

13 17. Dr. Michael Palchak, M.D. employed Rachel Gonzales as a physician
14 assistant from October 1, 2007 to March 12, 2008. Ms. Gonzales was authorized to assist
15 Dr. Palchak in the care and treatment of his patients. Dr. Palchak would assign Ms. Gonzales a
16 list of in-home patients to visit and treat. Ms. Gonzales was authorized to write prescriptions for
17 his patients.

18 18. Rita Cazares was not a patient of Dr. Palchak. Dr. Palchak never
19 authorized Ms. Gonzales to write prescriptions for Rita Cazares.

20 19. On March 12, 2008, Ms. Gonzales abruptly resigned in the middle of her
21 shift. Dr. Palchak requested that Ms. Gonzales return all of the practice equipment that she had
22 including any unused prescription pads. Shortly thereafter, Dr. Palchak's office notified
23 pharmacies in the area that Ms. Gonzales was no longer employed in Dr. Palchak's practice.

24 20. On or about May 14, 2008, a woman came into the Live Oak Pharmacy to
25 fill a prescription for Meperidine in 100 mg. tablets with a count of 360 tablets and Fiorcet. The
26 prescription bore the stamp of Rachel Gonzales, P.A. and was written for Rita Cazares.

27 21. Meperidine is not widely used. Consequently, the Live Oak Pharmacy did
28 not have 360 pills of 100 mg. Meperidine available on May 14, 2008. The Live Oak Pharmacy
provided 30 tablets and the woman was told to come back the next day for the rest of the

1 prescription. She paid for the full prescription amount and left the pharmacy.

2 22. On May 16, 2008, prior to noon, pharmacist "Reggie" Singh was informed
3 by another patient of Dr. Palchak that Rachel Gonzales no longer worked for Dr. Palchak.
4 Mr. Singh then remembered that the prescription written for Rita Cazares was signed by Rachel
5 Gonzales. Mr. Singh immediately called the office of Dr. Palchak and verified that that Rachel
6 Gonzales no longer worked there.

7 23. The woman who dropped off the prescription returned in the late afternoon
8 of May 16, 2008 to pick up the remainder of the prescription. Mr. Singh walked over to her and
9 asked if she was Rachel Gonzales. She said no. She said that Rachel Gonzales wrote the
10 prescription for her mom and she was sent to pick it up. Mr. Singh then told her that he was not
11 going to give her the balance of the prescription and that her mom needed to call Dr. Palchak
12 right away. She said "ok" and left.

13 27. On or about July 17, 2008, a Controlled Substance Utilization Review and
14 Evaluation System ("C.U.R.E.S.") report be performed on Rita Cazares as patient. This
15 C.U.R.E.S. report revealed that there were four prescriptions written for Rita Cazares between
16 July 2005 and July 17, 2008. All four prescriptions were for Meperidine. Three of the
17 prescription were filled at Walgreens and one was filled at Live Oak Pharmacy. The three
18 Walgreens prescriptions were reported to have been prescribed by Dr. Palchak.

19 28. Dr. Palchak reviewed all of four of these scripts and identified
20 Ms. Gonzales's signature on all of the prescriptions written.

21 29. Respondent's conduct of attempting to fraudulently obtain Meperidine, as
22 discussed above, in violation of Health and Safety Code sections 11170, 11173 and 11174,
23 sections 3527 and 2238 of the Code, and Title 16, CAR, section 1399.525 constitutes
24 unprofessional conduct within the meaning of section 3527 of the Code.

25 ///

26 ///

27 ///

28 ///

1 PRAYER

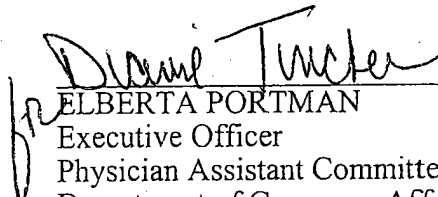
2 **WHEREFORE**, Complainant requests that a hearing be held on the matters
3 herein alleged, and that following the hearing, the Physician Assistant Committee issue a
4 decision:

5 1. Revoking or suspending Physician Assistant License Number PA-14343,
6 issued to Rachel Gonzales, P.A.

7 2. Ordering Rachel Gonzales, P.A., to pay the Physician Assistant Committee
8 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
9 Professions Code section 125.3; and

10 3. Taking such other and further action as deemed necessary and proper.

11 DATED: March 26, 2009

12
13 
14 ELBERTA PORTMAN
15 Executive Officer
16 Physician Assistant Committee
17 Department of Consumer Affairs
18 State of California
19 Complainant
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